

PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Taped Statement
Sgt. Michael Barkley #8570|Sgt. Derrick Rodrigues #37149

Interview Date: May 8, 2008
IAD #: 2006-B-0016
Complainant: Portland Police Bureau
Interviewed: Officer Bret Burton #43860

BARKLEY: This is Interval Affairs Division Investigator Michael BARKLEY #8570 and Personnel Division Sgt. Derrick RODRIGUES #37149. The date is Thursday, May 8th, 2008. It is 1606 hours. We are at the Multnomah County Attorney's Office at 500 SE Hawthorne Blvd., Room 500. Persons present are Officer Bret BURTON #43860, PPA representative Robert KING #21075, and Mrs. Susan DUNAWAY, a Multnomah County Attorney. It's in regards to IAD Case No. 2006-B-0016 and PPB Case No. 2006-84962. Officer BURTON has been advised that the conduct of any bureau member present on Sunday, September 17th, 2006 at 1718 hours, at the 1300 block of NW Everett Street, is the subject of this investigation. Officer BURTON has reviewed information necessary to be reasonably apprised of the nature of the allegations of the complaint. Officer BURTON has been informed that he is a witness in the case, and that Captain John TELLIS is in charge of the investigation. Officer BURTON: I am ordering you to answer all questions fully and truthfully. If you fail to respond fully and truthfully, you may be disciplined up to and including dismissal. Do you understand?

BURTON: Yes.

BARKLEY: Prior to going on the record, Officer BURTON reviewed related documents, specifically his transcribed statement with the Portland Police Bureau detectives, and the civil deposition with Mr. Thomas STEENSON, which was on January 9th, 2008. Do you have a notebook or any related material, documents regarding this incident that you would like to provide?

BURTON: Do I? No.

BARKLEY: Okay. First, Officer Bret BURTON is currently a police officer employed with the Portland Police Bureau. However, on Sunday, September 17th, 2006, Officer BURTON was, in fact, employed as a Deputy Sheriff with the Multnomah County Sheriff's Office, and assigned to the Transit Police Division. Officer BURTON was assigned as a partner with Portland Police Bureau Officer Christopher HUMPHREYS #32784. The first question: have you been provided a copy, and/or have you, prior to today, reviewed interview questions prepared by the Portland Police Bureau Internal Affairs Division?

BURTON: No.

BARKLEY: Okay. Please describe your background information related to law enforcement experience prior to and with the Portland Police Bureau.

BURTON: Uh, my law enforcement experience began when I was hired by the Multnomah County Sheriff's Office January 2nd, and 2004. Um, prior to that, I'd been on one ride-along that was part of the hiring process. I attended the Basic Police Academy at Monmouth, and then, uh, completed the that program at Multnomah

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 2

50 County. So I was, um, employed for about, I think, 2 ½ years - a little over 2 ½
51 years at the time of the incident.

52 **BARKLEY:** And when were you hired at the Portland Police Bureau?

53 **BURTON:** June 14th of 2007.

54 **BARKLEY:** And you've attended the Portland Police Bureau Advanced Academy?

55 **BURTON:** Yes.

56 **BARKLEY:** On September 17th, 2006, were you CIT - Crisis Intervention Team trained?

57 **BURTON:** No.

58 **BARKLEY:** Prior to September 17th, 2006, had you received any specific training related to
59 identification of persons who are mentally ill and/or suffering from mental
60 disorders?

61 **BURTON:** Uh, it's possible I received some training, uh, at the Basic Police Academy, but
62 specifically, I can't recall.

63 **BARKLEY:** Prior to September 17th, 2006, had you received any specific training related to
64 identifications of persons who are under the influence of alcohol and/or drugs?

65 **BURTON:** Yes.

66 **BARKLEY:** And what--what did that entail?

67 **BURTON:** Uh, just basically academy courses. Uh, I think there was a few hours on DRE
68 kinda stuff; uh, some mental illness overview. I don't remember the specific
69 classes. It was a few years ago, but, um, and that stuff was covered.

70 **BARKLEY:** On Sunday, September 17th, 2006, what was your assignment?

71 **BURTON:** Uh, my assignment was, uh, we were working the downtown district, transit. I
72 was working a two-person car with Officer HUMPHREYS. 1772 was our

73 **BARKLEY:** So, you were assigned to the Tri-Met Police Division?

74 **BURTON:** Correct.

75 **BARKLEY:** And you were working with Officer Christopher HUMPHREYS that night?

76 **BURTON:** Yes.

77 **BARKLEY:** And who was driving, and who was the passenger?

78 **BURTON:** I was driving.

79 **BARKLEY:** And Officer HUMPHREYS was the passenger?

80 **BURTON:** Yep.

81 **BARKLEY:** Please explain what occurred at NW Everett Street at 18th Avenue, involving
82 Sgt. NICE's intoxicated subject, and as that related to Mr. CHASSE.

83 **BURTON:** Sure. CHRIS and I were driving down Burnside westbound, uh, crossing the
84 405, or about there. And we heard Sgt. NICE go out with a drunk subject at 18th
85 and Everett. And so we responded as cover, since we were just a few blocks
86 away. I was driving, and we turned down, uh, 18th - so, northbound on 18th, and
87 - um, Everett's a one-way street going eastbound - so, we had to go sort of
88 around the block to get back, uh, so we could cover the sergeant. And, uh, as we
89 drove past Everett on 18th, on the corner of 18th of Everett, uh, we saw Mr.
90 CHASSE standing there. Um, that's when--the first time I'd ever seen Mr.
91 CHASSE. Um.

92 **BARKLEY:** And he was standing on the northwest corner?

93 **BURTON:** Yes.

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 3

94 **BARKLEY:** And what were your observations of Mr. CHASSE at that time?
95 **BURTON:** He was standing there, uh, sort of peculiar. Uh, it was not a bus stop; not a
96 crosswalk and he was standing there. Um, it just sort stuck out. He was, uh,
97 sorta shuffling, maybe, or moving his hands. He just looked like, uh--he just
98 looked like he was--it was odd that he was standing there. Um, and I--I'm not
99 sure if CHRIS or I ever actually verbalized a remark, but it was my impression
100 that we were both aware of him. And, uh, then we drove past to go cover the
101 sergeant. So, took a couple of left turns and pulled in front of the building that -
102 on Everett, uh, west of 18th - and covered the sergeant. And as we were
103 covering, uh, Sgt. NICE, I was looking, uh, eastbound on Everett, um,
104 periodically, just looking around, and I could see Mr. CHASSE, um, standing
105 there. And, uh, I ended up following him with my eyes as, uh, he walked away.
106 **BARKLEY:** And which direction did he walk?
107 **BURTON:** Eastbound on Everett.
108 **BARKLEY:** And was he on the north or south side, as he walked eastbound?
109 **BURTON:** Uh, he crossed the street to the south side at some point. I'm not exactly sure
110 where that was, but it was within a few blocks--as you're going over the 405, uh,
111 I believe he was on the south side of the street. It was a long time ago, but--and
112 then, uh, he proceeded on the south side of the street, uh, eastbound.
113 **BARKLEY:** Do you recall if anything was said between you and Officer HUMPHREYS
114 when you initially saw Mr. CHASSE on the corner?
115 **BURTON:** As we drove past the first time?
116 **BARKLEY:** Right.
117 **BURTON:** Uh, you know, I don't remember if we actually said anything, or--I don't
118 remember.
119 **BARKLEY:** Did you, and/or Officer HUMPHREYS, discuss with Sgt. NICE anything
120 regarding Mr. CHASSE from the time you initially observed him until the time
121 you cleared covering Sgt. NICE?
122 **BURTON:** Uh, I don't remember discussing Mr. CHASSE with Sgt. NICE. I remember me
123 and CHRIS talking about it, um, as we sorta cleared cover, and got back into our
124 car, like, hey, where'd that guy go, kinda thing.
125 **BARKLEY:** Okay, when--and your deposition which was taken on January 9th, 2008 with Mr.
126 Thomas STEENSON, you had--made a comment on page 116. You stated that
127 you observed Mr. CHASSE as you drove past him, and then you were out of the
128 vehicle, and Mr. CHASSE was a half a block away. And later on, during the
129 deposition on page 128, lines 14 through 17, on page 129, you had stated that
130 you had discussed Mr. CHASSE with Officer HUMPHREYS, and Sgt. NICE
131 was present. Do you recall that?
132 **BURTON:** I'm sorry, your--your question was, do I recall...
133 **BARKLEY:** Do you recall--I'd asked you originally if you discussed with Sgt. NICE the
134 circumstances surrounding Mr. CHASSE.
135 **BURTON:** Right.
136 **BARKLEY:** And if you look at page 128, line 14 through page 129, line 17, you stated during
137 your deposition that you, in fact, did discuss Mr. CHASSE with Sgt. NICE and

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 4

138 Officer HUMPRHEYS. So, I'm asking you if you recalled what exactly was
139 discussed.
140 **BURTON:** Let me just take a moment and...
141 **BARKLEY:** Okay.
142 **BURTON:** Okay, um, and I said here on page 128, lines 17 - I don't--don't remember the
143 exact conversation; it was a fairly casual conversation. Um, it's possible that,
144 uh, we mentioned to Sgt. NICE that we were going to go contact Mr. CHASSE.
145 Um, I don't remember what was said. Um, we were also discussing other
146 things, um, so, it's--it's possible.
147 **BARKLEY:** Do you recall what you and Officer HUMPHREYS discussed with each other
148 while in the police car, regarding Mr. CHASSE, after he had left the location and
149 you had cleared the call with Sgt. NICE at 18th and NW Everett?
150 **BURTON:** Um, yeah. Uh, from what I remember, as we got back into the car, and we
151 started driving, it was like "Hey, did you see, uh, where that guy went?" And it
152 was like "Yeah, I think he went eastbound on Everett." And we discussed the
153 possibilities of, you know, he might have a warrant because, uh, CHRIS told me
154 that, um, at some point, Mr. CHASSE had looked up and--and, uh, seemed
155 startled by the fact that there was police officers standing a half a block away.
156 I'm not sure if it was 'cause he saw the lights on our car, 'cause we were
157 blocking--or blocking traffic at that point. We were covering the sergeant, and I
158 had the, I think the first stage overheads on, so the, you know, the red and blues
159 were going. But CHRIS said something about "Yeah, he saw--he saw us
160 standing there, and he took off. It looked like he turned around, saw the police,
161 and decided he didn't want to be in the area kind of thing." So, it was a
162 possibility he had--um, a lot of possibilities - um, he had a warrant, or drugs, or
163 was intoxicated, or, um, all kinds of stuff.
164 **BARKLEY:** So, these are the things that you and Officer HUMPHREYS were discussing in
165 the car once you left NW 18th and Everett?
166 **BURTON:** Yeah. And, once again, it was a fairly casual conversation. It was like "Did you
167 see where that guy went? Yeah, he saw us and took off. Okay, well, I think he
168 might be down there" kind of thing. Um, we didn't go into, you know, we
169 didn't break it down step by step: well, this is a possibility; this is a possibility.
170 But we both knew that it was possible, uh, I think. I can't speak for CHRIS. I
171 knew it was possible that the things I just said.
172 **BARKLEY:** Okay. So, you described Mr. CHASSE as acting in a peculiar manner. What
173 was so peculiar about Mr. CHASSE's demeanor or behavior?
174 **BURTON:** Uh, at some--it's--it's difficult to articulate. Um, as we drove past him the first
175 time there, uh, 18th and Everett on the northwest corner, uh, his, uh, his physical
176 mannerisms; his gesturing, um - and I--I can't even tell you exactly what he was
177 doing, but he--he stuck out, um, to me, and--and maybe to us, uh, as, uh, acting
178 strange. And it's--it's hard to put that into words. But, uh, he stuck out, and it
179 was someone that, uh, I kept my eye on as far as being the cover officer, because
180 he was a half a block away, and I was looking in that direction. I was just sorta
181 watching him, uh, off and on, as we were talking to this--uh, this drunk kid.
182 And, uh, it's sorta hard to put into words, but he was just out there, just strange.

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016

PPB / BURTON

May 8, 2008

Page 5

183 **BARKLEY:** Okay, so given Mr. CHASSE's peculiar, strange behavior, has the behavior that
184 you've just described caused you to contact other individuals that were
185 exhibiting the same quote, "peculiar", end quote, strange behavior in the past?
186 **BURTON:** Sure.
187 **BARKLEY:** So when was it that you and Officer HUMPHREYS actually decided to contact
188 Mr. CHASSE? Was it when you drove past him? Was it when you were at 18th
189 and Everett? Was it when you were leaving 18th and Everett? When was it that
190 you decided that you wanted to contact him?
191 **BURTON:** Um, it's difficult to say the specific point in time. We got back into the car, and
192 we were sorta discussing, uh, where he had gone, and I think we were also
193 discussing going to get some food or coffee, or something. So, it was just like,
194 well, my attitude was, from what I remember, well, if we see him, we'll go and
195 talk to him, but if we don't, you know, we won't. So we went down, and I think
196 when we spotted him, it was like, oh, there he is, and that's when the decision
197 was made we're going to go and talk to him.
198 **BARKLEY:** Okay. From the time that you cleared the call at NW Everett and 18th, and you
199 decided that you wanted to contact Mr. CHASSE, can you explain your legal
200 justification in contacting Mr. CHASSE?
201 **BURTON:** Um, it was sort of, uh, an evolving situation. Um, there was sort of a number of
202 different things, uh, possible outcomes of our contacting Mr. CHASSE. Uh, the
203 first of which, um, based on his--his behavior, uh, possible--uh, a detox
204 situation, possible warrant if he left the scene, um, when he saw the police were
205 present. Um, possible that, uh, he needed to talk to Project Respond, or
206 something. Um, possible that he had, uh, drugs in his possession. There was a
207 lot of possibilities.
208 **BARKLEY:** Okay, but getting back to the question...
209 **BURTON:** Mm-hmm.
210 **BARKLEY:** regarding legal justification. From the time you passed by Mr. CHASSE - you
211 assist Sgt. NICE at 18th and NW Everett, and then you leave - you decide that
212 you're going to contact Mr. CHASSE. Regarding your legal justification, do
213 you believe that you had reasonable suspicion, probable cause, or that your
214 contact with Mr. CHASSE was going to be mere conversation? That's what I'm
215 referring to...
216 **BURTON:** Okay.
217 **BARKLEY:** legal justification.
218 **BURTON:** Right. Um, I think our--my initial intent was, uh, as far as--as following him to
219 contact him, was just to talk to--to talk to him; to contact him. When we pulled
220 our car over, and we was standing next to the tree, uh, with something in his
221 hands, uh, hunched over next to the grate, uh, in the sidewalk where the tree is, it
222 looked like he was dumping something, or, uh, maybe getting rid of drugs, or
223 whatever it was. Um, and it was, as we pulled over, um, I believe, uh, we had
224 reasonable suspicion at least, at that point, uh, to stop him, and talk to him about
225 that.

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 6

226 **BARKLEY:** Okay, so prior to you observing Mr. CHASSE's behavior next to the tree in the
227 1300 block of NW Everett - prior to that, you had--your legal justification was to
228 engage him in mere conversation - is that what you're saying?

229 **BURTON:** Yeah, in accordance with, like, a welfare check, or something like that. Um, and
230 then maybe do a--I mean, it was sort of evolving. It was--it's--um, it's difficult
231 to say almost two years later, but it was, uh--we knew, uh, or I knew that I
232 wanted to contact Mr. CHASSE. And, uh, when we saw him by the tree, uh,
233 fidgeting with something in his hands, um...

234 **BARKLEY:** At that point, it changed from...

235 **BURTON:** It...

236 **BARKLEY:** a mere conversation to - are you saying reasonable suspicion or probable cause?

237 **BURTON:** Reasonable suspicion.

238 **BARKLEY:** Okay.

239 **RODRIGUES:** This is Sgt. RODRIGUES. I guess, prior to seeing him at the tree, did you have
240 any legal justification to approach, to detain, to stop Mr. CHASSE for any
241 reason?

242 **BURTON:** Uh, I don't think so. Um, it's possible CHRIS said, uh, formulated something,
243 um, and not articulated to me. It all was sort of happening.

244 **RODRIGUES:** You personally?

245 **BURTON:** Um, we didn't sit down and discuss it. Me, personally - no.

246 **RODRIGUES:** Yeah. Okay.

247 **BURTON:** He was--he was walking - it might've been a pedestrian violation, uh, to talk to
248 him about, but, uh, no.

249 **RODRIGUES:** Okay, thank you.

250 **BARKLEY:** Okay, please explain what occurred, involving Mr. CHASSE in the 1300 block
251 of NW Everett Street. If you can go from the point where you see him standing
252 at the tree and you decide to stop the car - where you stopped, and what you did,
253 and only to the point where Mr. CHASSE then ends up on the sidewalk at 13th
254 and Everett.

255 **BURTON:** Yeah. Um, 13th and Everett, uh, on 13th, and we're--we're west of--or we're on
256 Everett - I'm sorry - west of 13th, and, uh, there's several parking spots that lead
257 up to the curb there, uh, to the corner of 13th and Everett. And then there's a sort
258 of an entryway into the building, like a--a door, um, and the sidewalk goes down
259 so you can enter. That's where I parked the car, and...

260 **BARKLEY:** Excuse me, would that be in mid-block?

261 **BURTON:** It would be in mid-block, yeah.

262 **BARKLEY:** Okay.

263 **BURTON:** So, mid-block, south side of the street, facing eastbound. Um, CHRIS is on the
264 passenger side, and he got out of the passenger's door. Um, I got outta the
265 driver's side door. And then I walked around the front of the patrol car,
266 between, uh, the patrol car, and the legally parked car in front of it. Um, and Mr.
267 CHASSE's at the tree. I-I whistled or--or said something to, uh, to get Mr.
268 CHASSE's attention so he could look up and see us - the police officer or
269 Deputy Sheriff, uh, was there to talk him, um, and then we can, uh, take it from
270 there. Um, at that point, uh, and it's--it's hard to remember exactly, but at some

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 7

271 point, he turns around and, um, looks startled, and then, uh--or panicked, and
272 then turns and starts running eastbound on Everett on the sidewalk. Um, CHRIS
273 and I chased him to the corner, and, uh, at that point, uh, CHRIS collided with
274 him and they went down, uh, on the sidewalk into, uh, the street - the
275 intersection with 13th, um, 6, 7 feet, somewhere in there, actually onto the
276 ground. Um, at that point, Sgt. NICE appeared and, um, we all started to try and
277 restrain Mr. CHASSE to take him into custody.

278 **BARKLEY:** Okay, so, to back up, you--you parked - you're driving the police vehicle...
279 **BURTON:** Yes.

280 **BARKLEY:** You park it mid-block between 13th and 14th on Everett, facing eastbound. Is
281 your car parked parallel with the curb or is it at an angle toward the curb?
282 **BURTON:** Parallel with the curb, I believe.

283 **BARKLEY:** Okay. And so, how - distance-wise - how much distance did you have from
284 where you actually stopped and from then when you saw Mr. CHASSE? Did
285 you see him back at 14th, standing next to the tree?

286 **BURTON:** Uh, I-I don't remember. That's where I parked, obviously. We'd parked
287 because we had seen him. Um, but I'm sure exactly at what point in the
288 roadway.

289 **BARKLEY:** Okay. Would you say you--you would've had time, or Officer HUMPHREYS
290 would've had time to advise radio that you were going out at that location to
291 make contact with Mr. CHASSE?

292 **BURTON:** I don't remember. It'd be hard to say. It all happened very quickly, I know that.
293 As soon as we got out of the car, it was a matter of seconds before, uh,
294 everybody was running.

295 **BARKLEY:** Okay, but when you get out of the car, Mr. CHASSE had his back towards you
296 and Officer HUMPHREYS, and he didn't see you until you whistled. So, once
297 again, do you think you had enough time to advise BOEC that you were going to
298 be out with a subject at that location?

299 **BURTON:** It's difficult to say. It's possible.

300 **BARKLEY:** Okay, is there a reason why you did not?

301 **BURTON:** No specific reason.

302 **BARKLEY:** Do you typically advise radio?

303 **BURTON:** Yes.

304 **BARKLEY:** Okay. And so, when you see Mr. CHASSE, he's got his back to you, he's
305 standing next to the tree; you said he sorta bent over, and it looked like he had
306 something in his hand - what were your observations, your perceptions, your
307 thoughts as to what Mr. CHASSE was doing?

308 **BURTON:** Uh, I thought it was very likely that he was dumping drugs, uh, throwing a crack
309 rock, or something down into the grate, so we wouldn't see it, uh, before we
310 contacted him.

311 **BARKLEY:** Did he look like a crack user?

312 **BURTON:** Difficult to say. What's a crack user look like?

313 **BARKLEY:** Did he look like he was homeless?

314 **BURTON:** It's possible. I never met him before.

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016

PPB / BURTON

May 8, 2008

Page 8

315 **BARKLEY:** Did you believe at that time that he was at the tree, that he was committing, or
316 about to commit a crime?
317 **BURTON:** Yes.
318 **BARKLEY:** And what crime would that have been?
319 **BURTON:** Uh, possession of a controlled substance.
320 **BARKLEY:** Did you believe that Mr. CHASSE was either urinating or exposing himself?
321 **BURTON:** Um, like I said, it was all happening--it all happened within a matter of seconds.
322 It's a possibility; definite possibility. 'Cause he was bent over in that manner.
323 Could've been zipping up; could've been... But it was--it was, uh, sort of an
324 evasive posture he was taking; his trying to shield--he looked like he was--he
325 was doing something.
326 **BARKLEY:** Okay, did you or Officer HUMPHREYS, besides whistling at him to get his
327 attention, did you or Officer HUMPHREYS say anything to Mr. CHASSE, from
328 the time he was at the tree, until he was forced to the ground at 13th and Everett?
329 Did you say anything?
330 **BURTON:** I think, uh, CHRIS said "stop" or "stop, police", or something like that.
331 **BARKLEY:** Did Mr. CHASSE say anything back to the two of you, or to anyone else? Was
332 he yelling?
333 **BURTON:** Uh, well, he was yelling once we were all on the ground, but, um, I-I don't
334 remember.
335 **BARKLEY:** And how fast was Mr. CHASSE? Was he jogging, running, sprinting?
336 **BURTON:** He was sprinting. He was--he was going fast.
337 **BARKLEY:** And how about yourself and Officer HUMPHREYS?
338 **BURTON:** We were all sprinting.
339 **BARKLEY:** So, this was a full-out run?
340 **BURTON:** Yes.
341 **BARKLEY:** Okay, now at this point, can you explain the legal justification for the foot
342 pursuit? Did you have reasonable suspicion, probable cause that a person, Mr.
343 CHASSE, had committed, or was about to commit a crime or a violation?
344 **BURTON:** We had the reasonable suspicion, uh, in my mind, and then in CHRIS's mind.
345 Um, and CHRIS and I began to ran at--began to run at the same time, so, um, I
346 think CHRIS, uh, yelled "stop." So, you have reasonable suspicion, and then,
347 uh, interfering, uh, with a police officer, lawful order to stop. Um, and it all
348 happened in, like I said, a matter of seconds. And, uh, then once, uh, once we're
349 on the ground, then he's resisting arrest.
350 **BARKLEY:** Did you or Officer HUMPHREYS advise BOEC that you were in a foot chase?
351 **BURTON:** No.
352 **BARKLEY:** Why not?
353 **BURTON:** Uh, it all happened too fast - um, we just wanted him - to get it out over the air.
354 **BARKLEY:** Okay, so, Mr. CHASSE was chased for a half a block - is that correct?
355 **BURTON:** Yeah, about--about half of a block.
356 **BARKLEY:** And all three of you are in a sprint?
357 **BURTON:** Yeah.

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 9

358 **BARKLEY:** Okay. Now--now that you are a Portland Police Officer, opposed to a
359 Multnomah County Sheriff's Deputy, and you went through Portland Police
360 Bureau Advanced Academy and you've been working the street now, for how
361 long - for Portland?
362 **BURTON:** Uh, well, like a month or two before I went to the Advanced. And then, uh, I got
363 out--I graduated from the Advanced Academy, I think, in November - so, six
364 months; six, seven months.
365 **BARKLEY:** Do you believe the foot chase was within the Portland Police Bureau guidelines
366 established in the Manual of Policy and Procedure?
367 **BURTON:** Yes.
368 **BARKLEY:** Why?
369 **BURTON:** Um, we had a reasonable suspicion to stop him, I believe. Uh, and, uh, he, uh,
370 disobeyed a lawful order to stop. Um, or a clear police presence, he ran, um,
371 knowing we were there to contact him.
372 **BARKLEY:** Do you believe the foot pursuit of Mr. CHASSE was consistent with the
373 established guidelines at the Training Division?
374 **BURTON:** I do.
375 **BARKLEY:** And why?
376 **BURTON:** Um, [pause] I don't see how it violated the poli - I don't have the policy in front
377 of me - I don't see how it violated the policy in any way.
378 **BARKLEY:** Can you describe the manner and technique utilized by Officer HUMPHREYS
379 to quote, "force" - and I said force 'cause you used that in your depositions, and-
380 -or your deposition, and also in your statement to Portland Police Bureau
381 Detectives - that Mr. CHASSE was forced to the ground by Officer
382 HUMPHREYS. Can you explain how that technique was used by Officer
383 HUMPHREYS?
384 **BURTON:** Not in any detail. Um, I wasn't...
385 **BARKLEY:** Excuse me - it's on page 9 of the transcript, and also page 39, and then also the
386 deposition, page 156. But you clearly describe Officer HUMPHREYS'
387 technique as forcing Mr. CHASSE to the ground. So, if you can describe that
388 technique...
389 **BURTON:** Sure.
390 **BARKLEY:** that you observed.
391 **BURTON:** Well, I'll refer to my previous statements, um, and say that, uh, I wasn't paying
392 any particular note to, uh, the technique; hand placement, 'cause it was all
393 happening very fast. Uh, it was sort of evolving. I wasn't, uh, sorta critiquing,
394 um, Officer HUMPHREYS on his technique. Um, we were all running the same
395 direction, which is eastbound. Officer HUMPHREYS had a couple of steps on
396 me, and, uh, contacted Mr. CHASSE, uh, physically contacted him with his
397 body, and then they fell down. Um, I don't know, uh, if CHRIS's hands went
398 around Mr. CHASSE; if he pushed Mr. CHASSE; if it was to show--I don't--I
399 was behind him. Um, and I don't know, uh, where CHRIS landed, uh, if it was
400 on him, or next to him, or, uh, it's real difficult to say.

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 10

401 **BARKLEY:** Okay, so, when you're--you're running eastbound along the south sidewalk of
402 Everett, toward 13th Avenue, Mr. CHASSE, is he running what would be in the--
403 between the two of you, but in front of you?
404 **BURTON:** Even that's sorta difficult to say. I-I kinda see where you're getting at.
405 **BARKLEY:** Well, are you--are you running on one side of Mr. CHASSE, and Officer
406 HUMPHREYS is running on the other side, which would place Mr. CHASSE in
407 the middle?
408 **BURTON:** Uh, not exactly. Um, I was coming around the front of the police car; CHRIS is
409 already out on the sidewalk, um, when Mr. CHASSE began to run. And, uh, so
410 it was Mr. CHASSE and then CHRIS, and then a few feet back was me. I'm not
411 sure how we were staggered, as far as alignment, but I was behind CHRIS, and
412 presumably not directly behind him. I was probably a little bit to the side. I'm
413 not sure which side it was.
414 **BARKLEY:** So...
415 **BURTON:** And that might've changed as we ran.
416 **BARKLEY:** So, would your observation of the exact technique used by Officer
417 HUMPHREYS to, as you say, force Mr. CHASSE to the ground, would that be
418 based on that we're interviewing you now 20 months after the incident, or would
419 it be that you were in a position so as not to have a clear observation of what
420 actually took place, or was your attention diverted to something else?
421 **BURTON:** Uh, well, I was--I was in posi--I was behind CHRIS. Um, I'm sure there was a
422 lot of better vantage points if you wanted to document exactly, uh, the technique
423 that was used by CHRIS to take Mr. CHASSE to the ground. Um, I was--my
424 view was not obstructed, uh, apart from being behind both of them. Um, and
425 like you said, it has been 20 months, but, um, even if, uh, it happened yesterday,
426 it'd be very hard for me to say exactly who put whose hands where, and who fell
427 where, in sorta the heat of the moment of a foot pursuit, uh, and then a
428 prolonged sorta struggle with the guy on the ground. It's hard to--I filled out use
429 of force reports on other incidents, and it's--it's sometimes difficult to say
430 exactly, uh, you know, the--the chain of events. My adrenalin is going, and, um,
431 you're running down the street, and there's, you know, people and traffic, and all
432 that stuff. There's many considerations.
433 **BARKLEY:** Okay, when Mr. CHASSE and Officer HUMPHREYS hit the sidewalk - and
434 they were - we already know that we were sprinting - so, once they hit the
435 sidewalk, you say they ended up actually in the street of 13th - was that--did they
436 actually slide on the sidewalk, or was it they went down and... Was there any
437 movement once they hit the cement?
438 **BURTON:** Uh, I would--I would think so. I don't know exactly if they slid and rolled, or,
439 um, or what. They ended up on 13th, though.
440 **BARKLEY:** Okay, do you know if Mr. CHASSE landed on his front, back or--or side?
441 **BURTON:** No.
442 **BARKLEY:** Do you know if Officer HUMPHREYS landed on his front, back or side?
443 **BURTON:** No.
444 **BARKLEY:** Do you know if Officer HUMPHREYS, in fact, landed on top of Mr. CHASSE,
445 or partially on top of Mr. CHASSE?

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 11

446 **BURTON:** I don't know.
447 **BARKLEY:** Okay, so what occurred between Mr. CHASSE and Officer HUMPHREYS
448 immediately after they hit the ground? What interaction took place?
449 **BURTON:** Uh, we began - we began giving him verbal commands. Uh, we tried to take
450 him into custody and put handcuffs on him. Um, we put his hands behind his
451 back. Sgt. NICE showed up, uh, within a few seconds, and, uh, CHRIS had one
452 of his arms, uh, Sgt. NICE had the other one of his arms, and they sorta directed
453 me "hey, get his feet." So, I was down at his feet trying to, uh, control his feet.
454 **BARKLEY:** Okay, and how would you describe Mr. CHASSE's behavior and demeanor,
455 from the time he was tackled, until the time he was transported to MCDC?
456 **BURTON:** Uh, incredibly combative. Uh, very, uh, sorta furious-strong. Um, just, uh,
457 really aggressive.
458 **BARKLEY:** Was he very flexible?
459 **BURTON:** Yes.
460 **BARKLEY:** Was he screaming and yelling?
461 **BURTON:** He was.
462 **BARKLEY:** And what he screamed and yelled, was it something that you understood?
463 **BURTON:** No.
464 **BARKLEY:** Did you understand anything of what he was screaming or yelling?
465 **BURTON:** No, uh, especially during the struggle, um, it was--it was more of a growl, kinda.
466 **BARKLEY:** At any point, did you observe Mr. CHASSE's pants being wet in the front, and it
467 appeared to be that he urinated on himself?
468 **BURTON:** Yes.
469 **BARKLEY:** Can you describe your behavior and demeanor, from the time Mr. CHASSE was
470 tackled to the ground, and then he was transported to MCDC?
471 **BURTON:** My demeanor and...
472 **BARKLEY:** Behavior. Were you angry, or did you feel like you were out of control...
473 **BURTON:** No.
474 **BARKLEY:** Did you feel like you wanted to hurt somebody?
475 **BURTON:** No, not at all. Um, we were just trying to sort of, uh, get handcuffs on him, and
476 protect ourselves at the same time. And, uh, it was a pretty intense, uh, period
477 when we were trying to put handcuffs on him. We had to call, uh, for another
478 car because the three of us - we're all, uh, I think, probably, uh, larger than
479 average people - weren't able to control, uh, Mr. CHASSE. Um, I was
480 concerned, uh, on sort of a number of fronts. I was only able to get a, like, one
481 latex glove, like, half-way on before, uh, uh, he went to the ground. And so I
482 was, uh, basically, uh, bare-handed on his, uh, wet skin, and wet, um, jeans.
483 Um, so I was--I wanted to get him into custody so I could, uh, sort of, uh, clean
484 myself. Um, also, he was--he was biting, um, snapping and biting--bit, uh, Sgt.
485 NICE. And we were in sort of, uh, 13th and there's cars coming and going. Um,
486 so I was concerned, uh, about the situation. I was never angry. I was never, uh,
487 out of control.
488 **BARKLEY:** Okay, how was Officer HUMPHREYS' behavior and demeanor, directed toward
489 Mr. CHASSE, from the time he was tackled until he was transported to MCDC?

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 12

490 **BURTON:** Uh, similar to mine - just, uh, concerned, but not angry; um, never out of
491 control; very professional.

492 **BARKLEY:** How about Sgt. NICE's behavior and demeanor?

493 **BURTON:** The same.

494 **BARKLEY:** Did you actually see Mr. CHASSE bite Sgt. NICE?

495 **BURTON:** I never--I didn't. I don't think I actually saw the bite that he had landed on Sgt.
496 NICE's leg. I saw him snapping at both, uh, the sergeant and, uh, Officer
497 HUMPHREYS. And then, at some point, I think it was at 13th and Everett, uh,
498 Sgt. NICE had pulled up his pant leg to, like, inspect his lower leg, and there
499 was a clear bite-mark on his--sort of his calf area.

500 **BARKLEY:** Starting with yourself, can you describe all the physical force that was used by
501 yourself, directly at Mr. CHASSE?

502 **BURTON:** Yeah, and I'll try to refer to my reports too. Um...

503 **BARKLEY:** If you look at pages 10 through 11 of your transcription.

504 **BURTON:** So, once we were all on the ground at 13th and--13th and Everett, I attempted to
505 physically control his legs. Uh, he was kicking and flailing pretty violently.
506 Um, very flexible. At--at one point, um--or at several points, he was able to sort
507 of bend his body so his--so his sorta pelvis was facing the ground, or vice-versa,
508 and then, um, his upper body was doing the opposite. So, he was able to, uh, get
509 his arms underneath him as, uh, Sgt. and Officer HUMPHREYS were trying to
510 get physical control of his arms to put his hands behind his back. We're all
511 issuing verbal commands, uh, "stop resisting", um, "put your hands behind your
512 back." Um, let's see, um, at one point, uh, I removed my Taser from my holster,
513 and put the red dot, uh, at some point on--somewhere on his body, and told him
514 "if you don't stop resisting, you're going to get tasered", or something along
515 those lines.

516 **BARKLEY:** So, did you, in fact, warn Mr. CHASSE that you would tase him?

517 **BURTON:** Yes, I did.

518 **BARKLEY:** And were you intending to use the probes, or a dry-stun?

519 **BURTON:** Uh, I, in fact, did dry-stun him, so that--that was my, I guess, eventual intent.
520 Just a matter of him flailing around so violently, I wasn't sure where the probes,
521 uh, would land. Um, so I ended up, uh, removing the cartridge from the Taser,
522 and then dry-stunning him.

523 **BARKLEY:** Do you recall punching Mr. CHASSE once or more in the back?

524 **BURTON:** Yes.

525 **BARKLEY:** And whereabouts on the back did you strike him?

526 **BURTON:** Uh, it would be difficult to say; he's moving around so much.

527 **BARKLEY:** Lower back, middle back, upper back?

528 **BURTON:** Uh, I don't--I don't know.

529 **BARKLEY:** Now, when you struck him, did--was it with a closed fist?

530 **BURTON:** It was, yes.

531 **BARKLEY:** And did you use your right index finger knuckle for pain compliance in the ribs?

532 **BURTON:** I did.

533 **BARKLEY:** And was that on the side of the ribs?

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 13

534 **BURTON:** Uh, that's hard to say too, but, yes, side to back.
535 **BARKLEY:** And what physical force did you--did you use any other physical force that you
536 can recall?
537 **BURTON:** No.
538 **BARKLEY:** Okay, Officer HUMPHREYS, do you recall any physical force that he used on
539 Mr. CHASSE?
540 **BURTON:** Um, apart from reviewing transcripts of stuff, um, at the time, I was focused on
541 getting his legs under control. Um, I wasn't paying real close attention; uh, I
542 wasn't watching their actions. Um, so I-I don't know specifically what--what
543 use of force they had.
544 **BARKLEY:** Okay, do you recall observing Officer HUMPHREYS strike Mr. CHASSE once
545 or twice in the face?
546 **BURTON:** I don't remember that.
547 **BARKLEY:** Do you recall observing Sgt. NICE strike Mr. CHASSE with a closed fist in the
548 shoulder/head area?
549 **BURTON:** No.
550 **BARKLEY:** Do you recall Sgt. NICE using an arm-bar?
551 **BURTON:** No.
552 **BARKLEY:** Do you recall Sgt. NICE kicking Mr. CHASSE in the upper chest?
553 **BURTON:** No.
554 **BARKLEY:** Do you recall Sgt. NICE kneeling on Mr. CHASSE's back?
555 **BURTON:** No.
556 **BARKLEY:** So, to get back to the kicking, you don't recall any officer, including Sgt. NICE,
557 present there, kick or kicking Mr. CHASSE?
558 **BURTON:** Correct, I don't remember anyone kicking Mr. CHASSE.
559 **BARKLEY:** Did you either observe or hear of any officer who caused broad-based blunt
560 force trauma to Mr. CHASSE?
561 **BURTON:** Did I - I'm sorry, did I hear about anybody...
562 **BARKLEY:** Yeah, did you either observe, personally, or have you ever heard of any officer
563 who caused broad-based blunt force trauma to Mr. CHASSE, such as falling on
564 him, jumping on him, dropping him onto the ground...
565 **BURTON:** No. Uh, obviously, there's been a lot of discussion and--about, um, CHRIS's,
566 uh, forcing Mr. CHASSE to the ground, and speculation that mighta caused
567 some sort of broad-based blunt force trauma to Mr. CHASSE. I-I can't speak to
568 that. I don't know exactly how they landed. Um, apart from that, the only sort
569 of broad force--blunt force that was used was, uh, in the process of me and
570 CHRIS, uh, trying the CPR on Mr. CHASSE...
571 **BARKLEY:** That was at 33rd...
572 **BURTON:** And Clackamas...
573 **BARKLEY:** Correct, and Clackamas. Okay, when you were interviewed by detectives, you
574 stated that you believed Mr. CHASSE was under the influence of drugs. Why
575 did you feel that Mr. CHASSE was under the influence of drugs, opposed to the
576 possibility that he was suffering from mental illness?

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 14

577 **BURTON:** Uh, 'cause of the way he fought. He was, uh, incredibly strong for his, uh, sort
578 of build, and his pain compliance was off the charts. He didn't flinch at the
579 Taser. Uh, I've been tasered myself, and it hurts, and he didn't--he didn't even
580 seem to notice it. Um...

581 **BARKLEY:** There was no reaction by Mr. CHASSE to being tased?

582 **BURTON:** He just kept fighting. No, there was no--there was no sign that--that it even
583 happened. Um...

584 **BARKLEY:** How many times did you cycle the Taser?

585 **BURTON:** Uh, there's a report somewhere - a few times, apparently. And I'm not sure if it
586 was contacting his skin the entire time - he's moving around so much - but, um,
587 somewhere there's the--the Taser printout - a few times.

588 **BARKLEY:** So, while you're fighting him, did you ever think that there was possibility that
589 Mr. CHASSE was suffering from a mental illness?

590 **BURTON:** That's not what I was thinking at the time.

591 **BARKLEY:** Who handcuffed Mr. CHASSE?

592 **BURTON:** Um, I don't recall specifically. I think it was CHRIS's handcuffs that were used.

593 **BARKLEY:** But you don't recall who put the handcuffs on?

594 **BURTON:** No, I don't.

595 **BARKLEY:** Okay, do you recall who placed the hobble on Mr. CHASSE?

596 **BURTON:** Uh, I think it was a combination of, uh, a few of us. I'm not sure who--who held
597 the hobble as it was placed over his--his legs, but, uh...

598 **BARKLEY:** Do you recall the hobble being placed on Mr. CHASSE, and then an Officer
599 there at the scene directing the hobble be repositioned, because of the manner in
600 which it was originally placed?

601 **BURTON:** I don't remember that.

602 **BARKLEY:** Okay, when the hobble was placed, can you describe how--how it was cinched
603 up, or was it applied loosely, so he was able to have the entire length of the
604 nylon strap to stand up? Or was it cinched so that his ankles were pulled up
605 closer to his handcuffs?

606 **BURTON:** I don't remember the degree to which it was cinched up.

607 **BARKLEY:** Okay. Do you recall who searched Mr. CHASSE?

608 **BURTON:** Uh, I remember I searched his backpack, looking for identification. Um, I think
609 CHRIS mighta searched him, uh, either on the ground or in the car - I don't
610 remember.

611 **BARKLEY:** Okay. What position was Mr. CHASSE placed in? Was he placed on the side,
612 or back, or stomach, as it relates to positional asphyxia?

613 **BURTON:** Asphyxia.

614 **BARKLEY:** Yeah.

615 **BURTON:** Uh, while he's in the street, or in the car?

616 **BARKLEY:** In the street.

617 **BURTON:** Uh, on the side. We were--we were aware of that, and I think he was on the
618 right side.

619 **BARKLEY:** What caused the Code 3 medical to be requested? What was occurring with Mr.
620 CHASSE to cause that?

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016

PPB / BURTON

May 8, 2008

Page 15

621 **BURTON:** Um, Sgt. NICE requested that, and I'm not sure what was, uh, his exact reason.
622 Uh, I'm sure you've spoken to him about that. Um, uh, the use of the Taser,
623 combined with, uh, the prolonged, uh, physical struggle, and then, um, I think
624 there was some concern that he mighta lost consciousness.

625 **BARKLEY:** Did you ever see Mr. CHASSE lose conscious?
626 **BURTON:** I don't know if--if he was unconscious. I know he was--he went from fighting
627 with us, uh, for quite a while, to, um, once he was secured in handcuffs - I'm not
628 sure if he was hobbled; I think he mighta been hobbled at that point - he--he
629 sorta went quiet. So I don't know if he was recovering, uh, if he was
630 unconscious, if he was resting for, uh...

631 **BARKLEY:** Was there any point that you felt that, based on your observations, that Mr.
632 CHASSE had stopped breathing, and was unconscious?

633 **BURTON:** Not conclusively. I don't--no, I was doing other stuff too. I wasn't just sitting
634 there watching him.

635 **BARKLEY:** Who arrived first? Was it the Portland Fire Bureau, or was it AMR?
636 **BURTON:** Uh, that's difficult to say. In reviewing my initial, uh, detectives' interview
637 transcripts, uh, I think it was my impression that, uh, I-I spoke a lot about it with
638 Portland Fire, and, um, I'm not sure I even mentioned it to AMR. So I'm not
639 sure who got there first.

640 **BARKLEY:** Did Mr. CHASSE remain handcuffed and hobbled while he was checked by
641 medical personnel, or did you put the handcuffs off and hobble?

642 **BURTON:** I believe he remains, uh, restrained in handcuffs and the hobble. Uh, it's a
643 possibility that they, while they were evaluating him - while medical's
644 evaluating him, that they might've...

645 **BARKLEY:** Do you recall...

646 **BURTON:** I don't remember that though.

647 **BARKLEY:** Do you recall Mr. CHASSE's behavior and demeanor while the medical
648 personnel were present?

649 **BURTON:** Um, I believe he became combative again. 'Cause I think they had a difficult
650 time getting his, you know, his vitals and all that stuff, initially. I don't
651 remember, specifically.

652 **BARKLEY:** Did any of the officers present provide any medical assistance to Mr. CHASSE,
653 prior to medical arriving?

654 **BURTON:** I don't think so.

655 **BARKLEY:** Was Mr. CHASSE's medical condition continuously monitored by officers at
656 the location?

657 **BURTON:** We were standing by, uh, with him. There was always an officer with him, you
658 know, 10 feet. Um, after he was so, uh, aggressively combative, and biting and
659 kicking, and, uh, screaming, uh, I don't think anybody was, you know, going to
660 kneel down, and, uh, count his heart-rate or anything like that. But we were
661 there standing next to him, monitoring...

662 **BARKLEY:** So, was Mr. CHASSE ever left alone?
663 **BURTON:** No.
664 **BARKLEY:** Did you, or other officers, advise medical responders of the physical force used
665 on Mr. CHASSE, and the circumstances involving Mr. CHASSE, with regards

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 16

666 to being forced to the ground, tackled, possible associated injuries from being
667 forced to the ground or tackled, such as a possible head injury, chest injury, and
668 was medical advised that he had been tasered?
669 **BURTON:** I believe so. I wasn't acting in sort of the liaison with medical. Uh, I was doing
670 other stuff, including, uh, cleaning my hands, um, and getting them in gloves.
671 Um...
672 **BARKLEY:** So, okay...
673 **BURTON:** I don't know the specific conversation that occurred.
674 **BARKLEY:** Let me back up, did you ever...
675 **BURTON:** No.
676 **BARKLEY:** advise medical?
677 **BURTON:** I don't think so.
678 **BARKLEY:** Do you know, first-hand, if any other officers did?
679 **BURTON:** No.
680 **BARKLEY:** Okay. Do you feel that it would've been important to advise Portland Fire
681 Bureau and AMR medical personnel of the circumstances surrounding--the
682 totality of the circumstances involving Mr. CHASSE?
683 **BURTON:** Yes. And that's why I'm confident that that conversation occurred.
684 **BARKLEY:** By someone?
685 **BURTON:** By somebody.
686 **BARKLEY:** But you don't know specifically by who?
687 **BURTON:** Correct.
688 **BARKLEY:** Okay. Are you aware of any medical personnel, either from AMR or from the
689 Portland Fire Bureau that recommended that Mr. CHASSE be transported to a
690 hospital?
691 **BURTON:** No.
692 **BARKLEY:** Were there any medical opinions communicated to you or other officers that
693 you're aware of, regarding Mr. CHASSE's vital signs, and/or potential medical,
694 mental health conditions?
695 **BURTON:** Was there any information they conveyed to...
696 **BARKLEY:** To you, or that you know was relayed to another officer.
697 **BURTON:** Yeah, they told us his vitals were normal.
698 **BARKLEY:** And do you remember who that was? Was that from AMR, the male or the
699 female; or from Portland Fire Bureau?
700 **BURTON:** I'd be speculating. I don't recall specifically. But it was--it was clear to us that
701 his--his--he was fine.
702 **BARKLEY:** And he was well enough, in their opinion, to be transported to jail, opposed to
703 the emergency room.
704 **BURTON:** Absolutely.
705 **RODRIGUES:** This is Sgt. RODRIGUES. Now, was this communicated to you, or did you--
706 was this somehow communicated to you by the other officers there?
707 **BURTON:** Um, I think we were all sorta standing down there, sorta seeing what the verdict
708 was from medical. And they said "yeah, he's fine." And I don't remember who--
709 -which AMR person said it...

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 17

710 **RODRIGUES:** Mm-hmm.
711 **BURTON:** And if that was directed to somebody standing next to me, and I overheard it, but
712 it was clear to me, from medical, um, that he was fine to be transported.
713 **BARKLEY:** Okay. At this point, what criminal charges were pending, as they related to Mr.
714 CHASSE.
715 **BURTON:** Sure. Um, CHRIS and I discussed that as we transported him to jail, as far as,
716 um, interfering with a police officer, uh, resist arrest. Um, and we had a blue
717 sheet ready. I'm not sure if you have a copy of that, but those were the charges
718 we...
719 **BARKLEY:** So--so, okay, so you have two charges. You have interfering with a police
720 officer...
721 **BURTON:** Mm-hmm.
722 **BARKLEY:** Correct?
723 **BURTON:** Correct.
724 **BARKLEY:** Okay, explain your legal justification for that charge.
725 **BURTON:** That would be the--the disobeying a lawful order to stop...
726 **BARKLEY:** As he's running down the sidewalk?
727 **BURTON:** Right. Uh, the resist arrest, um, and then, uh, there was also some discussion as
728 far as, um, a substance we found. Uh, CHRIS had something that coulda been,
729 uh - and it's really hard for me to say specifically now - but something that
730 coulda been crack. Um, I had gone back and looked by the tree, and found what,
731 uh, what looked like bread crumbs. Me, and I think I had mentioned to a Central
732 officer, and we looked at it together. Um, it's all pretty foggy right now. But,
733 um, so, there was some--probably some discussion about that.
734 **BARKLEY:** But did you charge him with possession of a controlled substance?
735 **BURTON:** No, I don't believe that was placed on the blue sheet.
736 **BARKLEY:** So, your--your charges that he was to be booked for were two things.
737 **BURTON:** I'll refer to the--I don't have the custody report in front of me. I mean, that
738 would be--I don't remember exactly.
739 **BARKLEY:** Okay.
740 **BURTON:** There was--there was...
741 **BARKLEY:** But the resist arrest is because of what took place...
742 **BURTON:** Oh, and assaulting a public safety officer, as well, 'cause he bit Sgt. NICE. So,
743 that was probably on there too.
744 **BARKLEY:** Okay. Okay, did AMR and the Portland Fire Bureau personnel clear the location
745 prior to, or after Mr. CHASSE was removed from 13th and Everett, and taken to
746 the police car? Were they still present, or not?
747 **BURTON:** I don't remember.
748 **BARKLEY:** Okay. Was Mr. CHASSE taken back to your police vehicle, which is parked in
749 mid-block, between 13th and 14th, or was your police vehicle moved to the corner
750 of 13th and Everett?
751 **BURTON:** He was carried back to where the car was parked.

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 18

752 **BARKLEY:** Okay, explain that. That's a half block that you're carrying somebody. Why--
753 why would you opt to carry a grown man half a block, opposed to moving the
754 police car to your location and putting him in the police car?
755 **BURTON:** I don't know. Um, there was a lot of police cars there, uh, by the time we
756 actually moved him to a police car from the street - after medical was gone, and
757 all that stuff - it could've been just a matter of, uh, traffic. You have several
758 police cars parked up in that area of 13th and Everett. Ours is parked back there,
759 and we're going to be doing the transport, and maybe it wasn't thought of really
760 clearly. It was just, okay, let's get him in the car, and let's get him to jail, kinda
761 thing.
762 **BARKLEY:** So, you don't recall anybody, or are you thinking that the better option would've
763 been just to move the police car to 13th and Everett, put Mr. CHASSE in the
764 police car there, opposed to carrying him a half block?
765 **BURTON:** I don't remember there being a discussion.
766 **BARKLEY:** Okay. How many people--how many officers carried Mr. CHASSE?
767 **BURTON:** Uh, 3 to 4.
768 **BARKLEY:** And do you recall what body part you had in carrying Mr. CHASSE?
769 **BURTON:** I don't think I carried him back to the car. I think I was--I think I had his
770 backpack.
771 **BARKLEY:** You took the lighter load?
772 **BURTON:** Yes.
773 **BARKLEY:** Okay, were you ever concerned by carrying Mr. CHASSE a half block to your
774 police vehicle, opposed to moving your police vehicle to 13th and Everett, that
775 Mr. CHASSE would be further injured, or just by carrying him in that manner,
776 he would be injured?
777 **BURTON:** No, at that point, I didn't think he was injured. Apart from, I think he had some
778 blood coming out of his mouth, um, but it was just, like, a cut lip or something.
779 Medical had just left and said that he was fine, so, uh, we didn't think he was in
780 any danger.
781 **BARKLEY:** Do you know which officers carried Mr. CHASSE? We know you had the
782 backpack.
783 **BURTON:** Uh, I don't recall specifically.
784 **BARKLEY:** Okay, once you were at the police vehicle, Mr. CHASSE was - do you recall
785 how he was placed? Okay, he's handcuffed; he's got a hobble on, and there's
786 not a great deal of slack in the hobble - is that correct?
787 **BURTON:** I don't remember what amount of slack was...
788 **BARKLEY:** Okay. How do you--do you know how he was placed in the car?
789 **BURTON:** He was placed, uh, on his--I think it was his left side with his head with his head
790 towards the driver's side door.
791 **BARKLEY:** Okay, was he then placed in a sitting position and seat-belted, or was he laid--
792 left in a lying position?
793 **BURTON:** Uh, sort of, I think, like, a half reclined-type position with, uh, his left side
794 contacting, uh, the seats, and then, um, just the way the--the seats are in the back
795 of the Portland cars, with the molded plastic. Um, we weren't able to sit him up,
796 'cause of the hobble, and he wasn't able to lay down, so he was just sorta...

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 19

797 **BARKLEY:** Was he ever seat-belted in?
798 **BURTON:** I don't remember. I think a seatbelt was used, maybe to prevent him from
799 rolling over onto his stomach, but...
800 **BARKLEY:** You don't recall Mr. CHASSE rolling over, or falling under the floor of the
801 police car?
802 **BURTON:** Uh, not during transport, maybe, uh, as we were trying to, uh, take Mr. CHASSE
803 out of the back at booking, he mighta fallen down in the well, just 'cause you're-
804 -you have such a way extended out in front of you, as you're trying to remove
805 somebody.
806 **BARKLEY:** Okay, was--was there any force used by any officers once Mr. CHASSE was
807 picked up and carried to the police car, or at the police car prior to leaving?
808 **BURTON:** No.
809 **BARKLEY:** Was there a change in demeanor or actions of any of the officers present?
810 **BURTON:** No.
811 **BARKLEY:** Okay. While Mr. CHASSE was transported to the Multnomah County Center,
812 was he monitored the entire way?
813 **BURTON:** Yes.
814 **BARKLEY:** And who was driving?
815 **BURTON:** I was.
816 **BARKLEY:** And Officer HUMPHREYS continuously monitored Mr. CHASSE?
817 **BURTON:** Yep.
818 **BARKLEY:** And what was Mr. CHASSE's demeanor or behavior while being transported?
819 **BURTON:** It's hard for me to recall, um, specifically. He went from, uh, aggressive and
820 yelling, uh, or growling, um, to very quiet, uh, several times in the course of our
821 interaction with him that afternoon. And, uh, I'm not sure what--what exactly he
822 was doing as we drove the however many blocks to jail.
823 **BARKLEY:** I'm gonna ask you, from the time Mr. CHASSE hit the sidewalk at 13th and
824 Everett, until you got to NE 33rd and Clackamas, did he ever complain of any
825 injuries or specific pains?
826 **BURTON:** No.
827 **BARKLEY:** So, MCDC was called, and they - you requested assistance and a spit hood when
828 you arrived - is that correct?
829 **BURTON:** Uh, I'm not sure exactly when the spit hood--if we got it--maybe we got it when
830 we were down there. But, yeah, we requested assistance. I think we told them -
831 I had called down, actually, on my Nextel, um, prior to us leaving 13th and
832 Everett. I called down to booking and said hey, we have a--you know, Mr.
833 CHASSE was heading down there - I don't remember my exact words - but,
834 basically he's--he's hobbled and aggressive, and we're coming down so expect
835 us.
836 **BARKLEY:** And so did you request assistance getting him out of the car?
837 **BURTON:** Yes.
838 **BARKLEY:** Okay. Did you drive Mr. CHASSE directly to MCDC without stopping or
839 diverting any other direction?
840 **BURTON:** Correct. Yes.

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 20

841 **BARKLEY:** When you arrived at MCDC, were the MCDC deputies outside in the sally port
842 waiting, or did they come out once you parked your car in the sally port?
843 **BURTON:** I don't remember, but they were there pretty quick.
844 **BARKLEY:** Did you ever have any time alone, of any significant time, with Mr. CHASSE in
845 the sally port?
846 **BURTON:** No.
847 **RODRIGUES:** I have a question - this is Sgt. RODRIGUES. You answered that Mr. CHASSE
848 never complained of any injuries. Well, did Mr. CHASSE ever communicate or
849 say anything discernible; anything that you could understand at any time?
850 **BURTON:** Uh, not really. I think, at one point, when he was at 13th and Everett in the back
851 of the police car, uh, and we were trying to figure, uh, who he was. And I think
852 at some point he said his last name, or maybe to the medical out there said his
853 last name, or his first name. And then he asked for his backpack at some point.
854 Um, so he was able to talk to us, you know. He was able to form words, maybe
855 limited, but that's about the extent of any sort of real conversation.
856 **RODRIGUES:** Okay.
857 **BARKLEY:** Okay, can you describe how Mr. CHASSE was removed from the police vehicle
858 once you were in the sally port? What did you do, and what did everybody do?
859 **BURTON:** Sure. Um, I went around to the driver's side door - the back door on the driver's
860 side. Opened the door, and had the spit hood - I think a deputy was with me -
861 um, and we were gonna put the spit hood on him. And so I, uh, tried a couple of
862 times to put the spit hood on him, and he was moving his head around. Um, he
863 had become aggressive again, and I was concerned about getting bit. Um, so I,
864 with a gloved hand, like, held his--his head down, uh, to the seat, and then, um,
865 was able to, uh, very quickly get the spit hood over his head. Uh, that's...
866 **BARKLEY:** So, how was he actually physically removed from the car?
867 **BURTON:** Uh, through the passenger's side door.
868 **BARKLEY:** So, you're--you're on the driver's side, along with another deputy...
869 **BURTON:** Mm-hmm.
870 **BARKLEY:** And so was he just simply pulled out from the...
871 **BURTON:** Pulled out, yeah.
872 **BARKLEY:** Okay. And your transcript with the Portland Police Bureau Detectives, on page
873 24, you made a reference here: "I think he" - referring to CHASSE - "might have
874 bumped his head on the way out on the doorframe, just because he was
875 squirming around." Do you recall that?
876 **BURTON:** Yeah, I think as I pulled him out--uh, you know, it's awkward getting someone
877 out of the car, and I think he might've bumped his head. It was nothing real
878 significant. It was just like him moving around quite a bit, and, uh, people trying
879 to pull him out of the car. It was--it wasn't a substantial blow to his head or
880 anything. It was just a bump.
881 **BARKLEY:** Now, Mr. CHASSE striking his head on the door, on the frame of the vehicle,
882 was that caused by Mr. CHASSE, or was that caused by an officer or a deputy
883 striking his head against the frame?
884 **BURTON:** I'd say mostly by Mr. CHASSE.
885 **BARKLEY:** When you say mostly...

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 21

886 **BURTON:** Well, it's a combination - they're pulling him, so they have some sort of
887 physical, you know...
888 **BARKLEY:** Right, but did you ever observe an officer or a deputy force his head into the
889 frame?
890 **BURTON:** Oh, absolutely not.
891 **BARKLEY:** Okay. From that point, until Mr. CHASSE is transported from the sally port, did
892 you ever observe Mr. CHASSE be dropped to the concrete floor of the sally port,
893 or inside the booking facility?
894 **BURTON:** No.
895 **BARKLEY:** While in the sally port was there any type of physical force used by anyone,
896 including Multnomah County deputies, directed to Mr. CHASSE?
897 **BURTON:** No.
898 **BARKLEY:** Can you describe the manner in which Mr. CHASSE was carried into the intake
899 isolation room, given that he was handcuffed and hobbled?
900 **BURTON:** Yeah, he was, uh, carried, I think, by four people. Um, someone grabbed his
901 right arm, someone grabbed his left arm, someone grabbed his left and right leg,
902 and they just carried him in that way. So he was facing the ground during that...
903 **BARKLEY:** Did anybody drop him?
904 **BURTON:** No.
905 **BARKLEY:** Were you carrying the backpack, or Mr. CHASSE?
906 **BURTON:** Uh, neither. I think I probably had some property. The backpack, I think, 'cause
907 of the size of it, it was probably going to go into the property room, so it
908 wouldn't go into the booking. And, uh, yeah, so I was--I was probably just
909 carrying, like, paperwork.
910 **BARKLEY:** Okay, while Mr. CHASSE's being carried - okay, and this both in and out of the
911 intake facility - did he ever complain of any injuries?
912 **BURTON:** No.
913 **BARKLEY:** What took place in the isolation cell?
914 **BURTON:** Uh, he was placed in there and, um, handcuffs were taken off, I believe. 'Cause
915 we had to put 'em back on. Uh, the hobble was cut off and, uh, there was some
916 discussion as to, like, whether jail was going to take him or not. And, um, at one
917 point, a corrections deputy called for medical to come down to the isolation cell.
918 **BARKLEY:** And why was that?
919 **BURTON:** I think there was a concern that he might've stopped breathing or lost
920 consciousness, or both.
921 **BARKLEY:** So, were you there present when that possibility of him stopping to breathe or
922 losing consciousness occurred?
923 **BURTON:** I was in the room.
924 **BARKLEY:** Were you...
925 **BURTON:** I wasn't standing right next to him; I wasn't observing him, but I was--I had
926 sorta stepped back, and was thinking about forms, and thinking about whatever.
927 And they started calling medical, so I was aware of it.
928 **BARKLEY:** Did you observe him stop breathing?

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 22

929 **BURTON:** No, and it's--it's difficult to see into those cells, and there's a lot of people
930 milling around, so I don't--I don't--I don't think I saw him.

931 **BARKLEY:** Did Mr. CHASSE have blood that would've been soaking through the spit hood
932 that you observed?

933 **BURTON:** He did. Um, he was bleeding, like I said, from his--his lip or mouth, and it was--
934 it's a white, mesh, uh, spit hood, so there was, uh, some blood that had pooled in
935 the spit hood.

936 **BARKLEY:** Did Mr. CHASSE say anything at all while he was in this isolation cell?
937 Complain of injuries, anything of that nature?

938 **BURTON:** Not--not that I heard.

939 **BARKLEY:** Okay, at any point - so, you say that deputies had requested the medical, which
940 in this case, turned out to be what, one or two nurses?

941 **BURTON:** Uh, it sounds like two females came down in white coats, looking at my
942 transcript. A couple ladies came down, that were obviously nurses.

943 **BARKLEY:** Did they ever go into the cell?

944 **BURTON:** I don't remember.

945 **BARKLEY:** Okay. Did you, or Officer HUMPHREYS, ever explain to the medical
946 personnel there - the two nurses at MCDC - of what had transpired prior at 13th
947 and Everett, and especially that he had stopped breathing there?

948 **BURTON:** [Sigh] I don't remember that specific conversation, but it's like what we were
949 talking about with AMR and Portland Fire at 13th and Everett, it's a conversation
950 that I'm pretty sure took place, 'cause it's an important conversation to have. I
951 don't remember who said it. Uh, it's likely that I would mention something.
952 Uh--it--it's difficult to say. He was obviously, um, uh, hobbled and, uh, you
953 know, it was a deal, so it's--I'm sure we explained what had happened, and why
954 he was there, uh, in the course of, you know...

955 **BARKLEY:** But do you recall yourself explaining any of that?

956 **BURTON:** Uh, no, not specifically.

957 **BARKLEY:** And do you recall, specifically, Officer HUMPHREYS explaining to medical
958 personnel what had taken place prior to your arrival?

959 **BURTON:** Not specifically.

960 **KING:** Can we please take a break?

961 **BARKLEY:** Would you like to take a break?

962 **BURTON:** Sure.

963 **BARKLEY:** Okay. We'll be going off the record. It is 1717 hours.

964 **BARKLEY:** Okay, we're back on the record. It is 1734 hours. When MCDC personnel
965 decided that they would not accept Mr. CHASSE, because he would need to be
966 medically examined, did anyone recommend or suggest requesting an ambulance
967 to MCDC?

968 **BURTON:** Uh, not that I remember.

969 **BARKLEY:** Did you?

970 **BURTON:** No.

971 **BARKLEY:** Why not?

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 23

972 **BURTON:** Uh, at that point, it was, uh, the second time medical personnel had been with
973 Mr. CHASSE - the first time at 13th and Everett, where, uh, they had cleared him
974 and told us that he was fine to be transported; his vitals were normal. Uh, he
975 hadn't complained of any specific injury. Um, in fact he was pretty quiet, other
976 than when he was being combative when we were physically, uh, carrying him
977 or--or contacting him. Uh, so it--it was, uh, the second time at--at the jail. Um, I
978 wasn't watching what the nurses had done, or how they made their evaluation,
979 but, um, it was my belief or understanding at the time, that he wasn't in any
980 imminent danger.

981 **BARKLEY:** Okay, but do you know if the medical personnel at MCDC were aware that this
982 was the second time he had lost consciousness?

983 **BURTON:** I'm not sure how many times he'd lost consciousness. Um, I didn't
984 communicate that to 'em. I'm not sure if he lost consciousness at 13th and
985 Everett. Um, that'd be very difficult for me to say. And I wasn't watching him
986 in the isolation cell, and I can't speak to, you know, if he was conscious or not,
987 or if he was just quiet, or what his condition was in that cell.

988 **BARKLEY:** Okay, can you please describe how Mr. CHASSE was re-handcuffed and leg
989 chains applied?

990 **BURTON:** Yeah, from my--my memory, he was, uh, laying in the cell, and then, uh, we
991 approached to put the handcuffs back on him. I--there was--it probably took 4 or
992 5 of us to get handcuffs back on him. He became very aggressive again; uh,
993 tried to resist, uh, being placed in handcuffs. I was down near his feet, I think,
994 um, and we used CHRIS's handcuffs again. And, um, the hobble that he was
995 brought in, uh, with, had been cut off; the nylon had been cut, so we couldn't use
996 that. And I don't think there was a hobble in the room, so, uh, the corrections
997 deputy came up with these leg chains. Uh, so we elected to put the leg chains
998 on; figured that it probably allow him more, uh, room for movement.

999 **BARKLEY:** Okay, I'm gonna draw your attention to your transcription, page 25, with the
1000 Portland Police Bureau Detectives, in which you say, and I'll read into the
1001 record: "We re-handcuffed him, and used leg irons, basically to, uh, handcuffs
1002 for his ankles, and then, uh, what, like a foot and a half of, uh, chain, so that he
1003 was able to walk." Do you recall that statement?

1004 **BURTON:** I recall that statement.

1005 **BARKLEY:** Okay. So, if he was able to walk, why was he then carried from the holding cell
1006 inside the booking facility out to your police vehicle in the sally port?

1007 **BURTON:** Uh, wow, as far as his ability to walk, I think that's more of a theoretical ability.
1008 He would be able to walk, as most people would with, uh, the leg chains - I
1009 guess they're called. Um, as opposed to no one's able to walk on hobbles. It
1010 doesn't mean we were gonna let him walk, um, or that it was a good idea to have
1011 him walk, since he was so combative. Um, and I'm not sure if he was, uh,
1012 willing to walk. So, uh, the decision was made - I'm not sure by whom - uh, but
1013 it was to carry him back out to the police car. Um, I can't say, you know, what
1014 factors, specifically, at that time - who said what, and who made that decision,
1015 and all that. But, uh, I think, you know, eventually, if we--at the hospital, he
1016 would've been able to walk, um, in leg chains, theoretically.

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 24

1017 **BARKLEY:** Okay. On that point, do you recall why, if he was able to walk, he was once
1018 again carried? And this dovetails into the original question back at 13th and
1019 Everett, in which he's handcuffed; he's hobbled, and he's carried a half a block
1020 to your police car, instead of having the police vehicle come to you. Do you
1021 recall why, if he was able to walk, he was once again carried from inside the
1022 booking facility to the police car?

1023 **BURTON:** Well, you're presuming that he was able to walk. I'm not sure if he was
1024 physically able to walk, or if he was, uh--'cause he had been so incredibly
1025 combative, aggressive, and uncooperative, um, it doesn't seem very likely to me
1026 that he would be willing to stand up and walk out on his own. Um, that
1027 definitely was not his demeanor at the time. As far as explaining that
1028 statement...

1029 **BARKLEY:** Yeah, that's what I'd like you do.

1030 **BURTON:** I don't know the--you're able to walk, and most people are able to walk in--in
1031 leg chains.

1032 **BARKLEY:** So...

1033 **BURTON:** Most people...

1034 **BARKLEY:** Explain your--your--'cause you say in the next sentence "if he'd be able to walk,
1035 but it's not gonna, uh, restrict his access like a hobble would." So, are you
1036 saying he was able to walk, or he wasn't able to walk?

1037 **BURTON:** I don't know if he was able to walk or not.

1038 **BARKLEY:** Well, explain this--this statement. I'm not--I'm not understanding what you're
1039 saying. Let's go off the record.

1040 **BARKLEY:** Okay, it's 1731 hours. We're back on the record. Officer BURTON just
1041 reviewed the entire paragraph of his transcribed statement with Portland Police
1042 Detectives, page number 25. So, are you able to explain, in better detail, what
1043 you mean by your own statement here that Mr. CHASSE was able to walk, but
1044 on the other hand a decision was made to carry him?

1045 **BURTON:** Yeah, I-I can't speak if he was able to walk or not. He'd been very
1046 uncooperative, and I think the decision was made to carry him, uh, as opposed to
1047 attempt to have him walk because he was so uncooperative, and it was easier for
1048 us to physically carry him back to the car, uh, as opposed to, uh, having a very
1049 uncooperative person walk.

1050 **BARKLEY:** So, you stated that Mr. CHASSE was placed in the backseat, and what position
1051 was he placed in to prevent positional asphyxia?

1052 **BURTON:** Uh, he was placed on his side. Uh, once again, you know, I'll have to refer to
1053 my notes.

1054 **BARKLEY:** If you go to pages 33 through 44, you stated that Mr. CHASSE--you did not
1055 recall if Mr. CHASSE was seat-belted, and you stated that Mr. CHASSE
1056 remained on his back, right side. Does that help you?

1057 **BURTON:** Yeah, that's--that's how he was positioned.

1058 **BARKLEY:** And so when you left the--when the left MCDC, was Mr. CHASSE ultimately
1059 seat-belted in or not?

1060 **BURTON:** Uh, I didn't fasten his seatbelt in front of him, uh, per my statements on page 34,
1061 my detectives' transcripts. Uh, and I don't remember exactly, uh, if Officer

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 25

1062 HUMPHREYS used a seatbelt, but the way he was laying, he didn't look like he
1063 was in danger of, uh, of rolling onto his stomach. Plus, uh, CHRIS was
1064 watching him as I drove.

1065 **BARKLEY:** Okay, and so when you're driving, is Officer HUMPHREYS seated regular in
1066 the passenger seat, or is he seated at an angle to monitor Mr. CHASSE?

1067 **BURTON:** He was seated at an angle so he could look over...

1068 **BARKLEY:** So it was continuous monitoring of Mr. CHASSE?

1069 **BURTON:** Yes.

1070 **BARKLEY:** Okay. Considering of all of the different types of physical force that you've
1071 already described that had been used on Mr. CHASSE, was there any other
1072 physical force used from the very beginning, besides what you've described to
1073 33rd and Clackamas, by anyone else, whether it be a Portland Police Officer or a
1074 Multnomah County Sheriff's Deputy?

1075 **BURTON:** No.

1076 **BARKLEY:** What was Mr. CHASSE's overall behavior and demeanor, from the time you left
1077 MCDC, until you arrived at 33rd and Clackamas?

1078 **BURTON:** Uh, I think he was--he was quiet, as we left, uh, the jail.

1079 **BARKLEY:** And did yours, or Officer HUMPHREYS' overall behavior and demeanor
1080 change, as it relates to Mr. CHASSE, from the time you left MCDC until you
1081 arrived at 33rd and Clackamas?

1082 **BURTON:** Our demeanor?

1083 **BARKLEY:** Yeah. Was it pretty consistent?

1084 **BURTON:** Yes.

1085 **BARKLEY:** Did any--either one of you get angry or upset, or...

1086 **BURTON:** No, we became very concerned, uh...

1087 **BARKLEY:** Where did you become concerned at?

1088 **BURTON:** Uh, once Officer HUMPHREYS, uh, told me he couldn't tell if Mr. CHASSE
1089 was breathing in the back of the car.

1090 **BARKLEY:** And where was that at?

1091 **BURTON:** It was, uh--I refer to my, uh, statements, um...

1092 **BARKLEY:** Was it on I-84?

1093 **BURTON:** It was somewhere between, uh, Morrison Bridge, going onto I-84, uh, Grand
1094 Avenue overpass that, uh, Lloyd Center area - that whole stretch of road.

1095 **BARKLEY:** Okay. And what happened once you and Officer HUMPHREYS determined
1096 that it appeared that Mr. CHASSE wasn't breathing?

1097 **BURTON:** Um, it was clear that we had to pull over, and, uh, check on him. And so I
1098 turned the lights and siren on, and I drove to the first exit on I-84 eastbound,
1099 which is, uh, 33rd Avenue. And, uh, pulled up the ramp and took an immediate
1100 right, southbound on 33rd, and stopped at the first safest spot we could stop,
1101 which is, uh, Clackamas, uh, sidewalk on the west side of the street. And, uh,
1102 jumped out of the car, um, put on--I think put on gloves, and we came around to
1103 the--to the door. Opened the door and, uh, began evaluating Mr. CHASSE to
1104 see if he was breathing. Um, then we radioed, uh, immediately that we needed a
1105 Code 3 medical in a few seconds.

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 26

1106 **BARKLEY:** Okay, did you request Code 3 medical while you were on I-84, or did you wait
1107 until you got to 33rd and Clackamas?
1108 **BURTON:** Uh, I requested Code 3 medical at 33 and Clackamas.
1109 **BARKLEY:** So, there was no request for medical until you actually stopped at 33rd and
1110 Clackamas.
1111 **BURTON:** Well, that's correct, and that's--it all--you know, and that's--I'm not sure of the
1112 time span there, but it's a matter of seconds. It's, um...
1113 **BARKLEY:** And what was your reasoning for not stopping the police car on I-84?
1114 **BURTON:** I-84 on that stretch is incredibly dangerous - there's not much of a shoulder
1115 there, and really steep walls, so that would have been out of the question. And I
1116 think part of it was, well, where are we going to stop, and what exactly, you
1117 know, how are we going to do this. And by the time we got there, it was like
1118 let's check on him, so it all happened really fast; it was evolving pretty rapidly.
1119 **BARKLEY:** Now, when you left MCDC you stopped and you spoke with Sgt. Jose
1120 GONZALES at the top of the ramp. After you left Sgt. GONZALEZ, did you
1121 stop anywhere between the top of the ramp of MCDC and NE 33rd and
1122 Clackamas?
1123 **BURTON:** No.
1124 **BARKLEY:** And so once you stopped at 33rd and Clackamas, you got of the car, you--what
1125 observations did you make of Mr. CHASSE?
1126 **BURTON:** Uh, Mr. CHASSE appeared to not be breathing. Uh, so, uh, we--we called for
1127 Code 3 medical, uh, removed him from the car, removed his handcuffs, removed
1128 the, uh - I'm not sure if the spit hood was on at that point...
1129 **BARKLEY:** Refer to your transcript with the Portland Police Detectives, page 31.
1130 **BURTON:** Does it specifically say about the spit hood? Is that what you're...
1131 **BARKLEY:** No, you had stated that Mr. CHASSE wasn't breathing; that he was turning blue;
1132 he had no pulse.
1133 **BURTON:** Right. He was unconscious, um, so like I said, we took him out of the car, uh,
1134 we're checking his pulse, uh, medical was on the way, so, um, I, uh, I checked
1135 his airway, uh, to make sure that his airway wasn't obstructed, and...
1136 **BARKLEY:** And how did you do that?
1137 **BURTON:** Uh, I opened his mouth, um, I was--he was on his back. Uh, I was near his head,
1138 and I had, uh, you know tilted his, uh, head in the position they teach you in
1139 CPR class. Uh, so, his jaw opens. Um, I could see into his mouth, and there
1140 was, uh--there was blood in his mouth, so, uh, with my finger I tried to, uh,
1141 check to see if there was, um, anything besides the blood in the mouth that might
1142 be obstructing his airway. And, um, several times I used my finger as a hook
1143 and just sort of, uh, removed the blood from his mouth.
1144 **BARKLEY:** And did you have a protective glove on?
1145 **BURTON:** I did.
1146 **BARKLEY:** And did Officer HUMPHREYS then request medical to step it up?
1147 **BURTON:** He did.
1148 **BARKLEY:** Did you ever locate a breathing mask for CPR?

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 27

1149 **BURTON:** No, I tried to. Um, I could--I couldn't find it in my bag, and, uh, I tried to look
1150 for one in--in CHRIS's, and there was--couldn't find it.

1151 **BARKLEY:** Were you able to provide a defibrillator?

1152 **BURTON:** Yes.

1153 **BARKLEY:** And was that defibrillator used?

1154 **BURTON:** Um, it was--I think it was administered. I'm not sure if it actually, uh, you
1155 know, did a shock on Mr. CHASSE, but they--they attempted to use it.

1156 **BARKLEY:** What did you and Officer HUMPHREYS discuss between the time medical
1157 arrived and detectives arrived at the scene? Anything pertaining to this whole
1158 scenario that we'd just gone through?

1159 **BURTON:** No, uh, not really. The Southeast officers arrived, uh, pretty quickly. Officer
1160 MANOUIGIAN and, uh, Sgt. DODY, and they, uh, made sure that we were
1161 separate.

1162 **BARKLEY:** Okay. So, between the time that you requested medical, and the time the
1163 detectives arrived, you're saying that you did not discuss the circumstances or
1164 the facts with Officer HUMPHREYS?

1165 **BURTON:** I'm not saying we didn't have any verbal contact with each other, but we didn't--
1166 it was mostly geez, what's going on, kind of thing. It wasn't anything
1167 substantial.

1168 **BARKLEY:** Did your conversation have anything to do with, like, any strategy as to what
1169 happened, strategizing as to a story; anything to influence what you've already
1170 told us today?

1171 **BURTON:** No, absolutely not.

1172 **BARKLEY:** Okay, between the time of the incident and the Grand Jury, did you and Officer
1173 HUMPHREYS discuss this situation and circumstances, between the two of
1174 you?

1175 **BURTON:** No.

1176 **BARKLEY:** And last question: Did you observe or hear of any actions by officers who were
1177 present that caused you any concerns, or violated Portland Police Bureau policy
1178 and procedure, including training guidelines?

1179 **BURTON:** No.

1180 **BARKLEY:** Is there anything that you wish to add, clarify, and/or produce regarding the in-
1181 custody death of Mr. CHASSE?

1182 **BURTON:** Not at this time.

1183 **BARKLEY:** Mrs. Susan DUNAWAY, is there anything you wish to care to address?

1184 **DUNAWAY:** I just want to ask a couple of questions. And Officer BURTON, you said that
1185 when you pulled over at about 13th and Everett, that when you - and correct me
1186 if I'm misrepresenting the way you testified - that you believe that you had
1187 reasonable suspicion to stop and talk to Mr. CHASSE - is that right?

1188 **BURTON:** That's right.

1189 **DUNAWAY:** But then you also said that when you took him into custody and to the jail, that
1190 there were charging documents that included interference with police activities,
1191 assault on public safety officer, resisting arrest. At--at what point did you - or

CONFIDENTIAL TAPED STATEMENT

IAD #2006-B-0016
PPB / BURTON

May 8, 2008
Page 28

1192 did you ever form reasonable suspicion--I mean, probable cause, in terms of
1193 those particular charges?
1194 **BURTON:** Yes.
1195 **DUNAWAY:** Okay. At what point did you form a probable cause to believe that Mr.
1196 CHASSE had committed the crime of interference with police activities?
1197 **BURTON:** Uh, once he began to run.
1198 **DUNAWAY:** Okay. And what about resisting arrest? At what point did you form probable
1199 cause to believe he had committed that crime?
1200 **BURTON:** When he began to use physical force to try to, uh, overcome our placing him into
1201 custody.
1202 **DUNAWAY:** And the final--the final charge of assaulting a public safety officer?
1203 **BURTON:** That had to do with, uh, Sgt. NICE being bitten in the leg.
1204 **DUNAWAY:** Okay. That's all I had.
1205 **BARKLEY:** Anything from Robert KING, the PPA representative?
1206 **KING:** Just a question. At the time that this occurred, were you a Multnomah County
1207 Sheriff's Deputy?
1208 **BURTON:** Yes.
1209 **KING:** And earlier, one of the questions had to do with the Police Bureau foot pursuit
1210 policy. At the time that this incident occurred, you had not read or been trained
1211 on the Police Bureau's foot pursuit policy, is that true?
1212 **BURTON:** That's true.
1213 **KING:** And there was one other question in the course of the interview about broad-
1214 based, blunt force trauma, and that's a medical description that arises from the
1215 medical examiner's report. Do you feel that you, on the basis of your
1216 experience, can make--arrive at a conclusion about whether or not any force that
1217 was used caused broad-based, blunt force trauma?
1218 **BURTON:** No.
1219 **KING:** Okay. That's all I have.
1220 **BARKLEY:** Okay, if there's nothing else, then the interview is concluded at 1755 hours.
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1223 2006-B-0016trs-BURTON
1224 Transcribed 5/15/08; 1:30 PM Marilyn Cavallero